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MARSHAL OTOOL GERSTEIN MURRAY & BORUN
6300 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO IL 60606-6402

In re Application of :
John McMichael et al. :
Serial No.: 09/495,186 : PETITION DECISION
Filed: February 12, 2000 :
Attorney Docket No.: 13024/35946 :


This is in response to the petition under 37 CFR 1.181, filed June 17, 2004, for withdrawal of abandonment of the above identified application based on a timely response to the Final Office Action of September 11, 2003.

A review of the file history shows that the examiner mailed an Office action to applicants on September 11, 2003, setting a three month shortened statutory period for reply. Upon failure to receive a reply the Office mailed a Notice of Abandonment to applicants on May 18, 2004. Applicants state that there was a timely response, which included a Request for Continued Examination (RCE), a Three Month Extension of Time and a check in the amount of \$860.00 filed on March 8, 2004. Applicant has supplied a post card receipt stamped by OIPE dated March 11, 2004 in which the Patent Office acknowledges receipt of the items listed above. The originally submitted RCE had the application numbers transposed and as such the papers were placed in the wrong file (09/945,186). This problem has now been corrected and all the submitted papers are present in the application and are dated as being received on March 11, 2004.

The petition is **GRANTED** to withdraw the holding of abandonment.

The application will be forwarded to the examiner for further action.

Should there be any questions about this decision please contact Jean F. Vollano, by letter addressed to Director, TC 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0648 or by facsimile sent to the general Office facsimile number.


Jasemine Chambers
Director, Technology Center 1600